



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) Against the City of Lodi

MEETING DATE: May 7, 1997

SUBMITTED BY: Human Resources Director

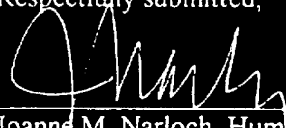
RECOMMENDED ACTION: To approve by motion action, denial of the following verified claim(s) filed against the City of Lodi:

- | | |
|----------------------------------|---------------|
| A) Talaro, Trinidad and Catalina | DOL: 05/25/96 |
| B) Gerties Place | DOL: 02/11/97 |
| * C) French, Linda/Crank, Brian | DOL: 08/26/96 |
| * D) Campa, Richard | DOL: 03/01/97 |
| * E) Moore, David | DOL: 03/03/97 |

BACKGROUND INFORMATION: Following review of the verified claims filed against the City of Lodi, the Risk Manager and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claims.

FUNDING: None required.

Respectfully submitted,


Joanne M. Narloch, Human Resources Director

cc: City Attorney

* No letters provided for filing

APPROVED:


H. Dixon Flynn -- City Manager

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

March 03, 1997

Ted Laguatan, Esq.
595 Market Street
Suite 2840
San Francisco, California 94105

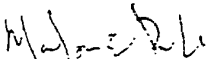
Re: Claim for Damages of Trinidad and Catalina Talaro and Siblings
DOL: 05-27-96
City of Lodi Claim No: 97-07

Dear Mr. Laguatan:

NOTICE IS HEREBY GIVEN that the claim which you presented to the governing body of the City of Lodi is being returned because it was not presented within six (6) months after the event or occurrence, as required by law. [See Government Code §§ 901 and 911.2]. Because the claim was not presented within the time allowed, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the governing body of the City of Lodi for leave to present a late claim. [See Government Code §§ 911.4 to 912.2 inclusive, and § 946.6]. Under some circumstances leave to present a late claim will be granted. [See Government Code § 911.6].

Sincerely,


Marlon Robbins
Risk Manager

cc: City Attorney
Bill Benson, ICA

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
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CITY OF LODI

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H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

May 7, 1997

B. BENSON
MAY 12 1997

Gerties Place
105 W. Pine St.
Lodi, CA 95240

RE: Claim against the City of Lodi
Date of Loss: 02/11/97
Claim Number: 97-13

Dear Claimant:

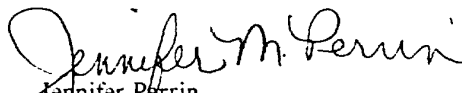
Notice is hereby given that the claim you presented to the City on Lodi on March 04, 1997, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,


Jennifer Perrin
City Clerk

cc: City Attorney
Bill Benson, ICA ✓